

UNITED STATES DISTRICT COURT

NORTHEAST DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

JUAN CUEVAS,

Plaintiff,

vs.

ALTAS REALTY/FINANCIAL SERVICES,  
INCORPORATED, a California corporation,  
D/B/A ATLAS REATY, D/B/A ATLAS  
FINANCIAL SERVICES, ALVIN CLAIR  
SILBERNAGEL, SAMANTHA TREVINO,  
WORLD SAVINGS, INC., D/B/A WORLD  
SAVINGS BANK, FSB, and DOES 1 through 100  
inclusive

Defendants.

) Case No.: CV-07-2814-JF/PVT

) Complaint Filed: 05/30/2007

) Assigned to: Hon. Jeremy Fogel

) Referred to: Magistrate Judge Patricia V. Trumbull

) Courtroom: 3 – Fifth Floor

**[PROPOSED] ORDER ON DEFENDANTS EX  
PARTE APPLICATION TO CONTINUE THE  
CASE MANAGEMENT CONFERENCE  
SCHEDULED ON NOVEMBER 2, 2007**

) Date: 11/2/2007

) Time: 10:30 a.m.

) Courtroom 3: 5<sup>th</sup> Floor

Defendants, ALVIN C. SILBERNAGEL D/B/A ALTAS REALTY D/B/A ATLAS FINANCIAL  
SERVICES (erroneously sued herein as ALTAS REALTY/FINANCIAL SERVICES, INCORPORATED,  
a California Corporation, dba ATLAS REALTY DBA ATLAS FINANCIAL SERVICES), ALVIN CLAIR  
SILBERNAGEL, AND SAMANTHA TREVINO, having for good cause properly submitted its *ex parte*  
application for an order pursuant to *F.R.Civ.P.6(b)* continuing the Case Management Conference scheduled

1 for hearing on **November 2, 2007 at 10:30 a.m. in Courtroom 3** of the above-captioned Court located at  
2 280 South 1<sup>st</sup> Street, San Jose, CA 95113.

3 The Court Orders as follows:

4 Defendants' *ex parte* application for an order continuing the Case Management Conference  
5 scheduled for November 2, 2007, until after the hearing scheduled on December 14, 2007 for  
6 Defendants' Motion to Dismiss for lack of subject matter jurisdiction pursuant to *F.R.Civ.P.*12(b)(1)  
7 determines its relevance, is granted in accordance with *F.R.Civ.P.*6(b).  
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10 DATED:

11 UNITED STATES DISTRICT JUDGE  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my present address is: 6345 Balboa Boulevard, Suite 257, Encino, California 91316.

On November 9, 2007 I served the foregoing document described as **[PROPOSED] ORDER ON DEFENDANTS EX PARTE APPLICATION TO CONTINUE THE CASE MANAGEMENT CONFERENCE SCHEDULED ON NOVEMBER 2, 2007** on the parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**

XX BY EMAIL to the parties as set forth on the Service List Attached hereto.

BY OVERNIGHT EXPRESS DELIVERY. I deposited it in a box or other facility regularly maintained by FEDERAL EXPRESS, or delivered it to a driver or courier authorized by FEDERAL EXPRESS to receive documents, in an envelope designated by FEDERAL EXPRESS, with deliver fees provided for, and with delivery requested for the next business day.

BY FACSIMILE TRANSMISSION, by use of facsimile machine telephone number (818) 345-1265, in accordance with Code of Civil Procedure §1013(e) and California Rules of Court 2.306, to the within parties at the facsimile number(s) indicated. The fax machine I used complied with Rule 2.301 and this transmission was reported as complete and without error. Under Rule 2.304, I caused the machine to print a transmission record of the transmission report which was issued by the transmitting facsimile machine, a copy of which is attached to the original thereof.

Executed on November 9, 2007 at Encino, California.

XX (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

XX (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Ann A. Malone

**Juan Cuevas v. Altas Realty/Financial Services Inc., et al**

USDC Case No.: CV-07-2814-JF/PVT

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